

Title 20 – Planning

SECTION 1. Ordinance 3692, Section 2, and K.C.C. 20.12.200 are each hereby amended to read as follows:

Shoreline ((management)) master program. The King County shoreline master program consists of the following elements:

((The policies, objectives and)) A. The shoreline management plan containing the goals and policies of the shorelines ((management)) master program,((**)) which are adopted as ((an addendum to)) a chapter in the King County Comprehensive Plan ((for King County)). ((As an addendum to the comprehensive plan, such policy statement)) The shoreline management plan constitutes the official policy of King County regarding areas of the county subject to shoreline management jurisdiction under RCW chapter 90.58.

B. The shoreline master plan appendices, which are adopted as appendix XX of the King County Comprehensive Plan. These appendices include:

1. The shoreline protection and restoration plan;
2. The shoreline public access plan;
3. The shoreline cumulative impacts analysis;
4. The shoreline master program checklist and public involvement process; and
5. The shoreline technical appendix containing the data and analytic methods to develop the King County shoreline inventory and shoreline characterization.

C. The shoreline master program development regulations contained this Title and K.C.C. Title 21A.

D. The shoreline master program map folio.

SECTION 2. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030 are each hereby amended to read as follows:

General procedures.

A. The King County Comprehensive Plan shall be amended pursuant to this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public participation program whereby amendments are considered by the council no more frequently than once a year as part of the amendment cycle established in this chapter, except that the council may consider amendments more frequently to address:

1. Emergencies;
2. An appeal of the plan filed with the Central Puget Sound Growth Management Hearings Board or with the court;
3. The initial adoption of a subarea plan, which may amend the urban growth area boundary only to redesignate land within a joint planning area; or
4. ~~((The adoption or amendment of a shoreline master program under chapter 90.58 RCW; or~~
- 5.)) An amendment of the capital facilities element of the Comprehensive Plan that occurs in conjunction with the adoption of the county budget.

B. Every year the Comprehensive Plan may be amended to address technical updates and corrections, and to consider amendments that do not require substantive changes to policy language, changes to the priority areas map, or changes to the urban growth area boundary, except as permitted in subsection B.5, 10 and 12 of this section. This review may be referred to as the annual cycle. The Comprehensive Plan, including subarea plans, may be amended in the annual cycle only to consider the following:

1. Technical amendments to policy, text, ~~((or))~~ maps or shoreline designations;
 2. The annual capital improvement plan;
 3. The transportation needs report;
 4. School capital facility plans;
 5. Changes to the priority areas map that are required by annexations and incorporations;
 6. Changes required by existing Comprehensive Plan policies;
 7. Changes to the technical appendices and any amendments required thereby;
 8. Comprehensive updates of subarea plans initiated by motion;
 9. Changes required by amendments to the countywide planning policies or state law;
 10. Redesignation proposals under the four to one program as provided for in this chapter;
 11. Amendments necessary for the conservation of threatened and endangered species;
 - and
 12. Site-specific comprehensive land use map amendments that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors.
- C. Every fourth year beginning in 2000, the county shall complete a comprehensive review of the Comprehensive Plan in order to update it as appropriate and to ensure continued compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year plan based upon official population growth forecasts, benchmarks and other relevant data in order to consider substantive changes to policy language and changes to the urban growth area (UGA). This comprehensive review shall begin one year in advance of the transmittal and may be referred to as the four-year cycle. The urban growth area boundaries shall be reviewed in the context of the four-

year cycle and in accordance with countywide planning policy FW-1 and RCW 36.70A.130. If the county determines that the purposes of the Comprehensive Plan are not being achieved as evidenced by official population growth forecasts, benchmarks, trends and other relevant data, substantive changes to the Comprehensive Plan may also be considered on even calendar years. This determination shall be authorized by motion. The motion shall specify the scope of the even-year amendment, and identify that the resources necessary to accomplish the work are available. An analysis of the motion's fiscal impact shall be provided to the council before to adoption. The executive shall determine if additional funds are necessary to complete the even-year amendment, and may transmit an ordinance requesting the appropriation of supplemental funds.

D. The executive shall seek public comment on the comprehensive plan and any proposed comprehensive plan amendments in accordance with the procedures in K.C.C. 20.18.160 before making a recommendation, in addition to conducting the public review and comment procedures required by SEPA. The public, including unincorporated area councils, shall be afforded at least one official opportunity to record public comment before to the transmittal of a recommendation by the executive to the council. County-sponsored councils and commissions may submit written position statements that shall be considered by the executive before transmittal and by the council before adoption, if they are received in a timely manner. The executive's recommendations for changes to policies, text, and maps shall include the elements listed in comprehensive plan policy RP-307 and analysis of their financial costs and public benefits, any of which may be included in environmental review documents. Proposed amendments to the comprehensive plan shall be accompanied by any development regulations or amendments to development regulations, including area zoning, necessary to implement the proposed amendments. (Ord. 14047 § 1, 2001: Ord. 13147 § 19, 1998).

SECTION 3. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040 are each hereby amended to read as follows:

Site-specific land use map amendment classification.

A. Site-specific land use map amendments may be considered annually or during the four year review cycle, depending on the degree of change proposed.

B. The following categories of site-specific land use map amendments may be initiated by either the county or a property owner for consideration in the annual review cycle:

1. Amendments that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors; and

2. Four-to-one-proposals.

C. The following categories of site-specific land use map amendments may be initiated by either the county or a property owner for consideration in four-year review cycle:

1. amendments that could be considered in the annual review cycle;

2. amendments that require substantive change to comprehensive plan policy language;

((and))

3. amendments to the urban growth area boundary; and

4. shoreline redesignations.

(Ord. 14047 § 2, 2001: Ord. 13147 § 20, 1998).

SECTION 4. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are each hereby amended to read as follows:

Site-specific land use map amendments initiation.

A. Site-specific land use map amendments are legislative actions that may only be initiated by property owner application, by council motion, or by executive proposal. All site-specific land use map amendments must be evaluated by the hearing examiner before adoption by the council in accordance with this chapter.

1. If initiated by council motion, the motion shall refer the proposed site-specific land use amendment to the department of development and environmental services for preparation of a recommendation to the hearing examiner. A motion for shoreline redesignations shall meet the requirements of K.C.C. 25.32.130 as recodified by this ordinance. The motion shall also identify the resources and the work program required to provide the same level of review accorded to applicant-generated amendments. An analysis of the motion's fiscal impact shall be provided to the council before adoption. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds.

2. If initiated by executive proposal, the proposal shall refer the proposed site-specific land use amendment to the department of development and environmental services for preparation of a recommendation to the hearing examiner.

3. If initiated by property owner application, the property owner shall submit a docketed request for a site-specific land use amendment. Upon receipt of a docketed request for a site-specific land use amendment, the request shall be referred to the department of development and environmental services for preparation of a recommendation to the hearing examiner.

B. All proposed site-specific land use map amendments, whether initiated by property owner application, by council motion, or by executive proposal shall include the following:

1. Name and address of the owner(s) of record;

2. Description of the proposed amendment;

3. Property description, including parcel number, property street address and nearest

cross street;

4. County assessor's map outlining the subject property; and

5. Related or previous permit activity.

C. Upon initiation of a site specific land use map amendment, an initial review conference will be scheduled by the department of development and environmental services. The owner or owners of record of the property shall be notified of and invited to attend the initial review conference. At the initial review conference, the department will review the proposed amendment's consistency with applicable county policies or regulatory enactments including specific reference to comprehensive plan policies, countywide planning policies and state Growth Management Act requirements. The proposed amendment will be classified pursuant to K.C.C. 20.18.040 and this information either will be provided at the initial review conference or in writing to the owner or owners of record within thirty days.

D. If a proposed site-specific land use map amendment is initiated by property owner application, the property owner shall, following the initial review conference, submit the completed application including an application fee and an environmental checklist to the department of development and environmental services to proceed with review of the proposed amendment.

E. If a proposed site-specific land use map amendment is initiated by council motion, following the initial review conference, the council shall submit an environmental checklist to the department of development and environmental services to proceed with review of the proposed amendment.

159 F. If a proposed site-specific land use map amendment is initiated by executive proposal,
160 following the initial review conference, the executive shall submit an environmental checklist to
161 the department of development and environmental services to proceed with review of the proposed
162 amendment.

163 G. Following the submittal of the information required by subsections D, E or F, the
164 department of development and environmental services shall submit a report including an
165 executive recommendation on the proposed amendment to the hearing examiner within one
166 hundred twenty days. The department of development and environmental services shall provide
167 notice of a public hearing and notice of threshold determination pursuant to K.C.C. 20.20.060 F, G
168 and H. The hearing will be conducted by the hearing examiner pursuant to K.C.C. 20.24.400.
169 Following the public hearing, the hearing examiner shall prepare a report and recommendation on
170 the proposed amendment pursuant to K.C.C. 20.24.400. A compilation of all completed reports
171 will be considered by the council pursuant to K.C.C. 20.18.070.

172 H. A property-owner-initiated for a site-specific land use map amendment may be
173 accompanied by an application for a zone reclassification to implement the proposed amendment,
174 in which case administrative review of the two applications shall be consolidated to the extent
175 practical consistent with this ordinance and K.C.C. chapter 20.20. The council's consideration of a
176 site-specific land use map amendment is a legislative decision which will be determined before and
177 separate from their consideration of a zone reclassification which is a quasi-judicial decision. If a
178 zone reclassification is not proposed in conjunction with an application for a site-specific land use
179 map amendment and the amendment is adopted, the property shall be given potential zoning. A
180 zone reclassification pursuant to K.C.C. 20.20.020 will be required in order to implement the
181 potential zoning.

I. Site-specific land use map amendments for which a completed recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the comprehensive plan. Site specific land use map amendments for which a recommendation has not been issued by the hearing examiner by January 15 will be included in the next appropriate review cycle following issuance of the examiner's recommendation.

J. No amendment to a land use designation for a property may be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.

1. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

2. A waiver by the council shall be considered by motion.
(Ord. 14561 § 27, 2002: Ord. 14047 § 3, 2001: Ord. 13147 § 21, 1998).

SECTION 5. K.C.C. 25.32.130, as amended by this ordinance, is recodified as a new section in K.C.C. chapter 20.18.

SECTION 6. Ordinance 3688, Section 813, and K.C.C. 25.32.130 are each hereby amended to read as follows:

Shoreline environment redesignation.

A. Shoreline environments designated by the master program may be considered for
redesignat((ed))ion ((by the county council upon finding that such a redesignation will be
consistent with the standards in K.C.C. 25.32.180. A shorelines redesignation may be initiated by
an applicant or by motion of the council.)) during the four year review cycle.

B. A redesignation ((initiated by an applicant shall be made on forms and processed in a
manner prescribed in K.C.C. 25.32.140. A redesignation initiated by the council)) shall follow the
process in K.C.C. ((25.32.150.

~~C. The fee which shall accompany an application for a shoreline redesignation shall be as
adopted by ordinance.~~

~~D. The departmental report and recommendation regarding an application or a site specific
redesignation initiated by council motion shall be forwarded to the hearing examiner for
consideration together with all relevant testimony at a public hearing to be held consistent with the
procedures for a zone reclassification as provided in K.C.C. chapter 20.24.)) 20.18.050.
(Ord. 13687 § 2, 1999: Ord. 12196 § 63, 1996: Ord. 5734 § 17, 1981: Ord. 3688 § 813, 1978).~~

SECTION 7. K.C.C. 25.32.140, as amended by this ordinance, is recodified as a new
section in K.C.C. chapter 20.18.

SECTION 8. Ordinance 13687, Section 3, and K.C.C. 25.32.140 are each hereby
amended to read as follows:

Shoreline r((R))edesignation ((applications)) initiated by an applicant.

A. A shoreline redesignation initiated by an applicant((, as described in K.C.C.
25.32.130B, must follow the procedures in K.C.C. chapters 20.20 and 20.24 for shorelines
redesignations and)) must include the following information in addition to the requirements in
K.C.C. ((chapter 20.20)) 20.18.050:

1. Applicant information, including signature, telephone number and address;
2. The applicant's interest in the property, such as owner, buyer or consultant;
3. Property owner concurrence, including signature, telephone number and address;
4. ~~((A property description, including parcel number, property street address and nearest cross street;~~
5. ~~A county assessor's map outlining the subject property;~~
6. ~~Related or previous permit activity;~~
7. ~~A description of the proposed shorelines redesignation;~~
- 8.)) A mitigation plan providing for significant enhancement of the first one hundred feet adjacent to the shoreline and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent that the impacts of development can be determined at the time of the proposed shoreline redesignation~~((:)); and~~
- ~~((9.))~~5. A discussion of how the proposed shorelines redesignation meets the criteria in K.C.C. 25.32.180 as recodified by this ordinance.
- B. The examiner shall make a recommendation to the council based on the criteria for review in K.C.C. 25.32.180 as recodified by this ordinance. (Ord. 13687 § 3, 1999).
- SECTION 9. K.C.C. 25.32.150, as amended by this ordinance, is recodified as a new section in K.C.C. chapter 20.18.
- SECTION 10. Ordinance 13687, Section 4, and K.C.C. 25.32.150 are each hereby amended to read as follows:
- Shoreline r((R))edesignations initiated by motion.**

A. A council motion initiating a shorelines redesignation, as described in K.C.C.
((25.32.130B)) 20.18.050 must be accompanied by the following information:

1. A description of the shoreline reach and a property description, including parcel numbers, property street addresses and nearest cross streets, for all properties that the shoreline runs through or is adjacent to;

2. A county assessor's map outlining the subject property or properties; and

3. A description of the proposed shorelines redesignation.

~~B. ((If the motion proposes site-specific redesignation, as “site” is defined in K.C.C. Title 21A, the redesignation shall be referred to the hearing examiner for consideration following the procedures of K.C.C. 25.32.140 for consideration of redesignation application. Any other redesignation proposal initiated by motion shall be referred to the executive for consideration as to whether the redesignation is appropriate for review as part of the annual or four-year Comprehensive Plan update, or should proceed independent of the annual or four-year update process, such as through a subarea planning process.~~

C.)) A motion initiating a site-specific redesignation must identify the resources and the work program required to provide the same level of review accorded to an applicant-generated shorelines redesignation. Before adoption of the motion, the executive shall have the opportunity to provide an analysis of the motion’s fiscal impact. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds. The council may consider the supplemental appropriation ordinance concurrently with the proposed motion referring the shorelines redesignation proposal to the examiner.

D. A site-specific redesignation initiated by motion shall follow the procedures in K.C.C. chapters 20.20 and 20.24 for shorelines redesignations with regard to the information to be provided and the notice and hearing processes, and shall meet the submittal requirements of K.C.C. 25.32.140 as recodified by this ordinance. The examiner shall make a recommendation to the council based on the criteria for review in K.C.C. 25.32.180 as recodified by this ordinance.

(Ord. 13687 § 4, 1999)

SECTION 11. K.C.C 25.32.180, as amended by this ordinance, is recodified as a new section in K.C.C. chapter 20.24.

SECTION 12. Ordinance 13687, Section 7, and K.C.C. 25.32.180 are each hereby amended to read as follows:

~~((Criteria for hearing examiner review))~~ Additional examiner findings – shorelines redesignation. A shorelines redesignation referred to the hearing examiner for a public hearing shall be reviewed based upon the requirements of the King County Comprehensive Plan ~~((policies NE 308 and I 202))~~, state and county shorelines management goals and objectives and the following additional standards:

A. The proposed change implements and supports the goals of the comprehensive plan, the goals, policies and objectives of the state Shorelines Management Act and the county's shorelines master program and the designation criteria of the shoreline environment designation requested;

B. The impacts of development allowed by the proposed change will not permanently impair any habitat critical to endangered or threatened species.

C. The impacts of development allowed by the proposed change are adequately addressed in a mitigation plan providing significant enhancement of the first one hundred feet adjacent to the stream and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent those impacts may be determinable at the time of the shorelines redesignation. A full mitigation plan shall accompany each application, as provided in K.C.C. 25.32.140 as recodified by this ordinance and K.C.C. 25.32.150 as recodified by this ordinance; and

D. If greater intensity of development would be allowed as a result of the shorelines redesignation, the proposal shall utilize clustering or a multi-story design to pursue minimum densities while minimizing lot coverage adjacent to the shorelines setback area. (Ord. 13687 § 7, 1999).

SECTION 13. 20.18.170 The four to one program – process for amending the urban growth area to achieve open space.

A. Proposals for open space dedication and redesignation to the urban growth area must be received before December 31, ~~((2006))~~ 2010.

B. The total area added to the urban growth area as a result of this program shall not exceed four thousand acres. The department shall keep a cumulative total for all parcels added under this section. The total shall be updated annually through the plan amendment process.

C. Proposals shall be processed as land use amendments to the Comprehensive Plan and may be considered in either the annual or four-year cycle. Site suitability and development conditions for both the urban and rural portions of the proposal shall be established through the preliminary formal plat approval process.

D. A term conservation easement shall be placed on the open space at the time the four to one proposal is approved by the council. Upon final plat approval, the open space shall be permanently dedicated in fee simple to King County.

E. Proposals adjacent to incorporated area or potential annexation areas shall be referred to the affected city and special purpose districts for recommendations. (Ord. 14047 § 9, 2001).

SECTION 14. 20.18.180 The four to one program – criteria for amending the urban growth area to achieve open space. Rural area land may be added to the urban growth area in accordance with the following criteria:

A. A proposal to add land to the urban growth area under this program shall meet the following criteria:

1. A permanent dedication to the King County open space system of four acres of open space is required for every one acre of land added to the urban growth area;
2. The land shall not be zoned agriculture (A);
3. The land added to the urban growth area shall be physically contiguous to urban growth area as adopted in 1994 and not in an area where a contiguous band of public open space, parks or watersheds already exists along the urban growth area boundary;
4. The land added to the urban growth area shall be able to be served by sewers and other urban services;
5. A road serving the land added to the urban area shall not be counted as part of the required open space;
6. All urban facilities shall be located in the urban area except as permitted in subsection E of this section;
7. Open space areas shall retain a rural designation;

8. The minimum depth of the open space buffer shall be one half of the property width, shall generally parallel the urban growth area boundary and shall be configured in such a way as to connect with open space on adjacent properties;

9. The minimum size of the property to be considered is twenty acres. Smaller parcels may be combined to meet the twenty-acre minimum; ~~((and))~~

10. Urban development under this section shall be limited to residential development and shall be at a minimum density of four dwelling units per acre; and

11. At least fifty percent of the lots created on the rural land added to the urban growth area shall be created through the transfer of development rights under K.C.C. chapter 21A.37;

B. A proposal that adds two hundred acres or more to the urban growth area shall also meet the following criteria:

1. The proposal shall include a mix of housing types including thirty percent below-market-rate units affordable to low, moderate and median income households;

2. In a proposal in which the thirty-percent requirement in subsection B.1 of this section is exceeded, the required open space dedication shall be reduced to three and one-half acres of open space for every one acre added to the urban growth area;

C. A proposal that adds less than two hundred acres to the urban growth area and that meets the affordable housing criteria in subsection B.1. of this section shall be subject to a reduced open space dedication requirement of three and one-half acres of open space for every one acre added to the urban growth area;

D. Requests for redesignation shall be evaluated to determine those that are the highest quality, including, but not limited to, consideration of the following:

1. Preservation of fish and wildlife habitat, including wildlife habitat networks, and habitat for endangered and threatened species;

2. Provision of regional open space connections;

3. Protection of wetlands, stream corridors, ground water and water bodies;

4. Preservation of unique natural, biological, cultural, historical or archeological resources;

5. The size of open space dedication and connection to other open space dedications along the urban growth area boundary; and

6. The ability to provide extensions of urban services to the redesignated urban areas; and

E. The open space acquired through this program shall be preserved primarily as natural areas, passive recreation sites or resource lands for farming and forestry. The following additional uses may be allowed only if located on a small portion of the open space and provided that these uses are found to be compatible with the site's natural open space values and functions:

1. Trails;

2. Natural appearing stormwater facilities;

3. Compensatory mitigation of wetland losses on the urban designated portion of the project, consistent with the King County Comprehensive Plan and K.C.C. chapter 21A.24; and

4. Active recreation uses not to exceed five percent of the total open space area. The support services and facilities for the active recreation uses may locate within the active recreation area only, and shall not exceed five percent of the total acreage of the active recreation area. The entire open space area, including any active recreation site, is a regional resource. It shall not be used to satisfy the on-site active recreation space requirements in K.C.C. 21A.14.180

for the urban portion of the four to one property. (Ord. 15606 § 1, 2006: Ord. 14047 § 10, 2001).

SECTION 15. 20.20.020 Classifications of land use decision processes.

A. Land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in subsection E. of this section.

1. Type 1 decisions are made by the director, or his or her designee, ("director") of the department of development and environmental services ("department"). Type 1 decisions are nonappealable administrative decisions.

2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

4. Type 4 decisions are quasi-judicial decisions made by the council based on the record established by the hearing examiner.

B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 as recodified by Proposed Ordinance 2008-xxxx or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

405 C. Certain development proposals are subject to additional procedural requirements
 406 beyond the standard procedures established in this chapter.

407 D. Land use permits that are categorically exempt from review under SEPA do not
 408 require a threshold determination (determination of nonsignificance ["DNS"] or determination of
 409 significance ["DS"]). For all other projects, the SEPA review procedures in K.C.C. chapter
 410 20.44 are supplemental to the procedures in this chapter.

411 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; <u>alteration exceptions and decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24</u> ; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building
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		permit, an as-built site plan for developed sites, a site development permit for the entire site.
TYPE 2 ¹	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit ² ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; ((alteration exceptions and decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24;)) extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on	Preliminary plat; plat alterations; preliminary plat revisions.

	the record)	
TYPE 4 ^{1, 3}	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals

and appeals of Type 3 and 4 decisions to the council.

² When an application for a shoreline permit is combined with other permits requiring Type 3 or 4 land use decisions under K.C.C. 25.32.080 as recodified by Proposed Ordinance 2008-XXXX,

the examiner, not the director, makes the decision. A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

³ Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the comprehensive plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the comprehensive plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in K.C.C. 21A.45.020 apply to this section. (Ord. 15606 § 2, 2006: Ord. 15170 § 2, 2005: Ord. 14449 § 2, 2002: Ord. 14190 § 23, 2001: Ord. 14047 § 11, 2001: Ord 13694 § 84, 1999: Ord. 13147 § 33, 1998: Ord. 13131 § 1, 1998: Ord. 12878 § 2, 1997: Ord. 12196 § 9, 1996).

428 SECTION 16. 20.20.100 Permit issuance.

429 A. The department shall issue its recommendation to the hearing examiner on a Type 3
 430 or Type 4 land use decision within one hundred fifty days from the date the applicant is notified
 431 by the department pursuant to this chapter that the application is complete. The time periods for
 432 action by the hearing examiner on a Type 3 or Type 4 land use decision shall be governed by the
 433 hearing examiner's rules.

434 B.1. Except as otherwise provided in subsection B.2 of this section, the department shall
 435 issue its final decision on a Type 1 or Type 2 land use decision within one hundred twenty days
 436 from the date the applicant is notified by the department pursuant to this chapter that the
 437 application is complete.

438 2. The following shorter time periods apply to the type of land use permit indicated:

New residential building permits	90 days
Residential remodels	40 days
Residential appurtenances, such as decks and garages	15 days, or 40 days
	residential
	appurtenances that
	require substantial
	review.
Clearing and grading	90 days
Health Department review	40 days
(for projects pending a final department	
review or permit or review and permit).	
Type 1 temporary use permit for a homeless encampment:	30 days

Type 2 temporary use permit for a homeless encampment: 40 days

439 C. The following periods shall be excluded from the times specified in subsections A and

440 B of this section:

441 1. Any period of time during which the applicant has been requested by the department,
442 hearing examiner or council to correct plans, perform required studies or provide additional
443 information, including road variances and variances required under K.C.C. chapter 9.04. The
444 period shall be calculated from the date of notice to the applicant of the need for additional
445 information until the earlier of the date the county advises the applicant that the additional
446 information satisfies the county's request, or fourteen days after the date the information has
447 been provided. If the county determines that the correction, study or other information submitted
448 by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures
449 of this section shall apply as if a new request for information had been made.

450 a. The department shall set a reasonable deadline for the submittal of corrections,
451 studies or other information when requested, and shall provide written notification to the
452 applicant. An extension of such deadline may be granted upon submittal by an applicant of a
453 written request providing satisfactory justification of an extension.

454 b. Failure by the applicant to meet such deadline shall be cause for the department to
455 cancel/deny the application.

456 c. When granting a request for a deadline extension, the department shall give
457 consideration to the number of days between receipt by the department of a written request for a
458 deadline extension and the mailing to the applicant of the department's decision regarding that
459 request;

2. The period of time, as set forth in K.C.C. 20.44.050, during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW;

3. A period of no more than ninety days for an open record appeal hearing by the hearing examiner on a Type 2 land use decision, and no more than sixty days for a closed record appeal by the county council on a Type 3 land use decision appealable to the county council, except when the parties to an appeal agree to extend these time periods;

4. Any period of time during which an applicant fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the department by the applicant; ~~((and))~~

5. Any time extension mutually agreed upon by the applicant and the department; and

6. Any time during which there is an outstanding fee balance that is sixty days or more past due.

D. The time limits established in this section shall not apply if a proposed development:

1. Requires an amendment to the comprehensive plan or a development regulation, or modification or waiver of a development regulation as part of a demonstration project;

2. Requires approval of a new fully contained community as provided in RCW 36.70A.350 master planned resort as provided in RCW 36.70A.360 or the siting of an essential public facility as provided for RCW 36.70A.200; or

3. Is substantially revised by the applicant, when such revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the time period shall start from the date at which the revised project application is determined to be complete.

E. The time limits established in this section may be exceeded on more complex projects. If the department is unable to issue its final decision on a Type 1 or Type 2 land use decision or its recommendation to the hearing examiner on a Type 3 or Type 4 land use decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision on a Type 1 or Type 2 land use decision or notice of recommendation on a Type 3 or Type 4 land use decision.

F. The department shall require that all plats, short plats, building permits, clearing and grading permits, conditional use permits, special use permits, site development permits, shoreline substantial development permits, binding site plans, urban planned development permits or fully contained community permits issued for development activities on or within five hundred feet of designated agricultural lands, forest lands or mineral resource lands shall contain a notice that the subject property is within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. (Ord. 15170 § 3, 2005: Ord. 14788 § 7, 2003: Ord. 13250 § 1, 1998: Ord. 13097 § 3, 1998: Ord. 12627 § 5, 1997: Ord. 12273 § 2, 1996: Ord. 12196 § 17, 1996).

SECTION 17. 20.44.040 Categorical exemptions and threshold determinations.

A. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following:

1. The following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

a. The construction or location of any residential structures of twenty dwelling units within the boundaries of an urban growth area, or of any residential structures of eight dwelling units outside of the boundaries of an urban growth area;

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering thirty thousand square feet on land zoned agricultural, or fifteen thousand square feet in all other zones, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c. The construction of an office, school, commercial, recreational, service or storage building with twelve thousand square feet of gross floor area, and with associated parking facilities designed for forty automobiles;

d. The construction of a parking lot designed for forty automobiles;

e. Any fill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder: The categorical exemption threshold shall be one hundred cubic yards for any fill or excavation that is in a ~~((sensitive))~~ critical area, except for critical aquifer recharge areas. If the proposed action is to remove from or replace fill in a ~~((sensitive))~~ critical area to correct a violation, the threshold shall be five hundred cubic yards.

2. The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for that proposal.

B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS. (Ord. 14449 § 5, 2002: Ord. 12196 § 46, 1996: Ord. 11792 § 16, 1995: Ord. 9103, 1989: Ord. 8236 § 2, 1987: Ord. 6949 § 6, 1984).

SECTION 18. 20.44.080 Substantive authority.

A. The procedures and standards of WAC 197-11-650 through 197-11-660 regarding substantive authority and mitigation, and WAC 197-11-158, regarding reliance on existing plans, laws and regulations, are adopted.

B. For the purposes of RCW 43.21C.060 and WAC 197-11-660, the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of King County's substantive authority under SEPA, subject to RCW 43.21C.240 and subsection C of this section:

1. The policies of the state Environmental Policy Act, RCW 43.21C.020.

2. As specified in K.C.C. chapter 20.12, the King County Comprehensive Plan, its addenda and revisions and community and subarea plans and housing report, and as specified in K.C.C. chapter 20.14, surface water management program basin plans.

3. The King County Zoning Code, as adopted in K.C.C. Title 21A.

4. The King County Agricultural Lands Policy, as adopted in K.C.C. chapter 20.54 and K.C.C. Title 26.

5. The King County Landmarks Preservation Code, as adopted in K.C.C. chapter 20.62.

550 6. The King County Shoreline Management Master Plan, as adopted in K.C.C. ((Title
551 25)) Chapter 20.12.

552 7. The King County Surface Water Runoff Policy, as adopted in K.C.C. chapter 9.04,
553 including the Covington Master Drainage Plan, as adopted in K.C.C. chapter 20.14.

554 8. The King County Road Standards, ((1993 Update,)) as adopted in K.C.C. chapter
555 14.42.

556 9. The Comprehensive Plan for Transportation adopted by Resolution No. 6617 of the
557 council of the Municipality of Metropolitan Seattle and readopted and ratified by the county
558 council in K.C.C. 28.01.030.

559 10. The Comprehensive Sewerage Disposal Plan adopted by Resolution No. 23 of the
560 council of the Municipality of Metropolitan Seattle and readopted and ratified by the county
561 council in K.C.C. 28.01.030.

562 11. The rules and regulations for construction and use of local sewage facilities set forth
563 in K.C.C. chapters 28.81 through 28.84.

564 12. The rules and regulations on the consistency of sewer projects with local land use
565 plans and policies set forth in Ordinance 11034, as amended.

566 13. The rules and regulations for the disposal of industrial waste into the sewerage
567 system set forth in Ordinance 11034, as amended.

568 14. The Duwamish Clean Water Plan adopted by the council of the Municipality of
569 Metropolitan Seattle and readopted and ratified by the county council by Ordinance 11032,
570 Section 28, as amended.

571 15. The Washington Department of Ecology's Best Management Practices for the Use
572 of Municipal Sludge.

C. Within the urban growth area, substantive SEPA authority to condition or deny new development proposals or other actions shall be used only in cases where specific adverse environmental impacts are not addressed by regulations as set forth below or unusual circumstances exist. In cases where the county has adopted the following regulations to systematically avoid or mitigate adverse impacts, those standards and regulations will normally constitute adequate mitigation of the impacts of new development: K.C.C. chapter 9.04 - Surface Water Runoff Policy, K.C.C. 9.08 - Surface Water Management Program, K.C.C. Chapter 9.12 - Water Quality, K.C.C. chapter 16.82 - Clearing and Grading, K.C.C. chapter 21A.12, Development Standards - Density and Dimensions, K.C.C. chapter 21A.14, Development Standards - Design Requirements, K.C.C. chapter 21A.16, Development Standards - Landscaping and Water Use, K.C.C. chapter 21A.18, Development Standards - Parking and Circulation, K.C.C. chapter 21A.20, Development Standards - Signs, K.C.C. chapter 21A.22, Development Standards - Mineral Extraction, K.C.C. chapter 21A.24, ((~~Environmentally Sensitive~~)) Critical Areas, K.C.C. chapter 21A.26, Development Standards - Communication Facilities, K.C.C. chapter 21A.28, Development Standards - Adequacy of Public Facilities and Services((~~, those standards and regulations will normally constitute adequate mitigation of the impacts of new development~~)) and K.C.C. chapter 21A.XX, Shoreline Regulations. Unusual circumstances related to a site or to a proposal, as well as environmental impacts not mitigated by the regulations listed in this subsection, will be subject to site-specific or project-specific SEPA mitigation.

This subsection shall not apply if the county's development regulations cited in this subsection are amended after April 22, 1996, unless the amending ordinance contains a finding, supported by documentation, that the requirements for environmental analysis, protections and

mitigation measures in this chapter, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

D. Outside the urban growth area, in the course of project review, including any required environmental analysis, the responsible official may determine that requirements for environmental analysis, protection and mitigation measures in the county's development regulations or comprehensive plans adopted under chapter 36.70A RCW and in other applicable local, state or federal laws and rules provide adequate analysis and mitigation for specific adverse environmental impacts of the project, if the following criteria are met:

1. In the course of project review, the responsible official shall identify and consider the specific probable adverse environmental impacts of the proposed action and then make a determination whether these specific impacts are adequately addressed by the development regulations. If they are not, the responsible official shall apply mitigation consistent with the applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan or other local, state or federal rules or laws; and

2. The responsible official bases or conditions its approval on compliance with these requirements or mitigation measures.

E. Any decision to approve, deny or approve with conditions pursuant to RCW 43.21C.060 shall be contained in the responsible official's decision document. The written decision shall contain facts and conclusions based on the proposal's specific adverse environmental impacts, or lack thereof, as identified in an environmental checklist, EIS, threshold determination, other environmental document including an executive department's staff report and recommendation to a decision maker, or findings made pursuant to a public hearing authorized or required by law or ordinance. The decision document shall state the specific plan,

619 policy or regulation that supports the SEPA decision and, if mitigation beyond existing
620 development regulations is required, the specific adverse environmental impacts and the reasons
621 why additional mitigation is needed to comply with SEPA.

622 F. This chapter shall not be construed as a limitation on the authority of King County to
623 approve, deny or condition a proposal for reasons based upon other statutes, ordinances or
624 regulations. (Ord. 14449 § 7, 2002: Ord. 13131 § 5, 1998: Ord. 12196 § 50, 1996: Ord. 11961
625 § 2, 1995: Ord. 11792 § 17, 1995: Ord. 10293 § 3, 1992: Ord. 9142, 1989: Ord. 8380 § 2,
626 1988: Ord. 6949 § 10, 1984).

627 SECTION 19. A. Ordinance 3692, Section 2, and K.C.C. 20.12.200 are each hereby
628 repealed.

629 B. Ordinance 13687, Section 5, and K.C.C. 25.32.160 are each hereby repealed.

630 B. Ordinance 13687, Section 6, and K.C.C. 25.32.170 are each hereby repealed.